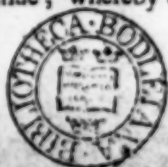


T H E  
C A S E  
O F  
The City of Oxford:



S H E W I N G  
How far the said CITY is Concerned to  
Oppose the Confirmation of the CHARTERS, and Pretended Priviledges of the Univerſity by PARLIAMENT.

- I. **B**Y a Charter bearing date the 3<sup>d</sup> day of *March* 11<sup>th</sup> Car. 1<sup>st</sup>. the ſole Licenſing of Taverns is Granted to the Univerſity, and all Magiſtrates and others within or without the Univerſity (except the Chancellor, and his Vice-Chancellor) are prohibited to intermeddle with the Licenſing of Vintners in *Oxford*; and none are to Liſenſe any Ale-houſes there, but by the Expresſ content of the Chancellor, or Vice-Chancellor; and by colour of this Grant they do Liſenſe Ale-houſe-keepers, and take Recognizances, but did never Return any of them to the Quarter-Sessions until about ten years laſt paſt, and have ſince Returned the ſame but ſeldom. Whereas by the Statute made 7<sup>th</sup> Edw. 6<sup>th</sup>. the Power of Granting Wine-Liſenſes in *Oxford* is Veſted in the City; and alſo by the Ancient Charters of the ſaid City, none that is not of the Guild of the ſaid City ought to ſell any Wine by Retail in the ſame; and the Magiſtrates of the ſaid City, by ſeveral Acts of Parliament, have Power, as Their Maſteſties Juſtices of the Peace, to Liſenſe Inns and Ale-houſes within the ſaid City.
- II. By the ſaid Charter it is Granted, that the Chancellor, Vice-Chancellor, or Proctors, ſhall have Power to ſearch by Day or by Night for ſuſpicious perſons, and for ſuch as can give no Account of themſelves, and to puniſh ſuch as are faulty by Imprisonment, Banishment, or otherwiſe, with a Mandate to the Mayor and Officers of the Town to be Aſſiſtant to the ſearch after ſuch Offenders; and by colour of this Charter, and a pretended Cuſtom they claim a Power to Impoſe Forty ſhillings upon any (whether Citizen or Stranger) ~~who ſhall be ſeized~~ being out of his Houſe or Lodging after Nine of the Clock; which they have Exercised not only upon Private Citizens, but upon the Magiſtrates of the City in the Execution of their Offices, and have Imprisoned the Conſtables for keeping Watch and Ward according to the Statute of *Wincheſter*, which is a great Invaſion upon the Liberty of the Subject, and hath been often ſo declared in *Westmiſter-Hall*; wherefore it is humbly hoped this Parliament will not Aſſirm the ſame by a Law.
- III. By the ſaid Charter the Clerkſhip of the Market is Granted to the Univerſity, with free Power to Diſpoſe of the Stalls and Standing-Places in the Markets, to have the full Government of the Markets, and to take Toll in the Markets; Whereas the Univerſity hath only a Title to the Clerkſhip of the Market, (and that did Anciently belong to the City;) but the Markets, and the Placing of them, and all Stallage, Picage, and Toll, and all others Profits thereip, by ancient Uſage and Preſcription, do yet belong unto the City; and for the Profits thereof, the City doth Pay a large Fee-Farm to Their Maſteſties. So that in caſe the ſaid Charter ſhall be confirmed by Parliament, the ſaid City will looſe the ſaid Markets and Profits ariſing thereby, which is a very conſiderable part of that Revenue, whereby the Corporation is maintained and ſupported.



Power

- IV. Power is given to the University, by the said Charter, to hold a Court-Leet, or view of Frank Pledge as well over the Town, and all the Inhabitants as over the University; that it shall be a full and compleat Leet, and that the University shall have the Perquisites thereof, and Power to Distrain for the same. Whereas the City hath Five Leets, one Absolute and Compleat for North-gate Hundred, and four other for the Four Wards within the City, and therein have all the Power of Leets; Except, 1<sup>st</sup>. the Enquiry into the Assize and Assay of Bread, Beer, and Wine. 2<sup>d</sup>. The Examination of Weights and Measures. 3<sup>d</sup>. The Punishment of Fore-stallers, and Regraters. 4<sup>th</sup>. The Punishment of Putrid Victuals. 5<sup>th</sup>. The Punishment of those who wear Arms in the University; And, 6<sup>th</sup>. the Survey of the High-ways, and Streets; which being Anciently likewise in the City, were 29<sup>th</sup> *Edwardi* the 3<sup>d</sup>. surrendered into the King's Hands, and by Him Granted to the University; and for these Six Points the University have ever since 29<sup>th</sup> *Edwardi* 3<sup>d</sup>. held a qualified Leet over the City and Suburbs, for so much, and for so many Things and Inquiries as were given to the University 29<sup>th</sup> *Edwardi* 3<sup>d</sup>. And this Leet is to be served by a mixt Jury, one half Priviledged Men, and the other half Free; and the Penalties imposed by the said University in this Leet are to be Estreated, and sent to the City, and to be Levied by them to their own use towards their Fee-Farm.
- V. By the said Charter it is Granted, that the University shall have Power to make Orders and Laws to bind all the Inhabitants in the said City. Whereas the City and University are Two distinct Corporations, and the one in no sort Subordinate to the other; and therefore it is not reasonable that the Citizens should be bound by Laws, which they never consented to by themselves or their Representatives.
- VI. By the said Charter a Grant is made to the University of Two Coroners. Whereas, time out of mind, the City hath had Two Coroners, who have sat upon all Persons, as well Priviledged as Free, until the making the said Charter; and therefore the City having an Interest in the Coroners before the said Grant, the Grant to the University is void, and Inquisitions taken under their Grants *Coram non Judice*.
- VII. By the said Charter Townsmen are to be Answerable for their Families in Buying and Selling all Wares, where either Party is a Scholar; and also for all such persons as they shall harbour in their Houses above three Nights; and no Townsman is to Build any Cottages without the Express leave of the Chancellor, or Vice-Chancellor, which are Restraints inconsistent with the Liberty of a Free-man of England.
- VIII. The University hath likewise by the said Charter a Grant of Felons Goods, and Power to search and seize such Goods; whereas the City doth claim the same by Charters more Ancient than any the University pretend to claim by; and the University themselves, under their Common Seal, have Granted, that Felons Goods do belong unto the City, towards their Fee-farm; And the City having the Charge and Custody of keeping the Goal, and being liable to Escapes, and being at the Expence of holding Sessions of the Peace, and Goal-delivery four times in the Year, and the Execution of Prisoners; it may seem unreasonable that the University should have the Profit of those things, which usually belong to other Cities in the same circumstances.
- IX. The University doth pretend to have a Power to Discommon Citizens at their pleasure, and to inhibit all Priviledged persons to have any Commerce or Trading with them, which they sometimes use, to the ruine of the Citizens and their Families.
- X. By the said Charter it is Granted, that Scholars, their Servants, and the Servants of the University, shall not be forced to Appear at Musters, or contribute thereunto; and that they shall be Discharged of Subsidies, Reliefs, Impositions, and Contributions.
- XI. The University, by means of a Composition made shortly after the Conflict 29<sup>th</sup> *Edw.* 3<sup>d</sup>. and Confirmed by the said Charter do require the Mayor, and 62 Citizens with him, Yearly upon *Scholasticus* Day, (which is the Tenth day of February) to make an Oblation there upon the High Altar of 63 Pence for the Souls of 63 Scholars slain in the Time of King *Edward* the Third: This being in the Original gross Superstition, is too great a Badge of Popery to be required in a Protestant University.
- XII. By the said Charter it is Granted, that Scholars or Priviledged persons shall not be Impleaded in the Courts of *Westminster*, for such things as the Chancellor hath cognizance of; and that they shall be dismissed from thence without Pleading their Priviledge,



ledge, or paying their Fees, which doth often fall out to be a very great Oppression to the Officers, and Ministers of Justice; for if upon demand of the Vice-Chancellor they do not discharge such Priviledged person, the Vice-Chancellor, by colour of this Clause, doth Imprison the Bailiff; as on the 20th of *October* last he did one *Edward Adams*, a Sworn Bailiff, for not discharging *Henry Wildgoose*, who was Arrested at the Suit of the City, by a Writ Issuing out of the Court of Common-Pleas; and by colour of the said Clause, if any person Sue a priviledged Man in any of the Courts of *Westminster*, the said Vice-Chancellor doth Cite the Plaintiff into the Court of the University for Breach of their Statutes, and doth condemn him in Expences for Suing a Priviledged person out of the University.

XIII. By the said Charter it is Granted, that Priviledged men shall have as much Liberty to Trade as the Freemen of the said City, and by colour of this Grant, the said University do take upon them to set up Trades, and to License certain Persons whom they call Priviledged Persons, openly to use Trades, and to sell Merchandizes within the said City, and Suburbs by Retail, which is contrary to the ancient Charters, Customs, and Priviledges of the said City, and to certain Compositions and Agreements made between the said University and City.

XIV. Whereas by certain Compositions heretofore made between the said University and City, the Menial Servants of all Schollers, and all their other Servants taking Wages without Fraud or deceit, are to enjoy the Privilege of the University, the said University upon pretence, of later Grants have fraudulently, and with an intent to weaken the Government of the said City, Granted colourable Priviledges to divers Members of the City, and upon pretence that they were become the under Groom, Gardiner, or Officer of some Colledge; have Matriculated them, and whilst they have continued Members of the City, have administered unto them an Oath to the effect following, *viz.* You shall swear, That you shall not attempt any Cause of yours before the Mayor, or Bayliffs of *Oxford*, neither shall you Answer before any of them as your Judge, so long as you shall continue a Priviledged person. So God, &c. which in terms is repugnant to the Oath which every Freeman of the City doth take at the time of his Admission into the Liberties of the said City; and particularly they have within the space of three Months last past, Matriculated one *William Turton*, upon pretence that the said *William Turton* was Gardiner of *Exeter* Colledge: Whereas the said *William Turton* was and yet is a Freeman of the said City, and doth continue to use the Trade of a Vintner, and obtained the Title of the said Office, only to avoid the bearing such Offices in the said City, as his Condition and Substance had made him capable of. Also one *Henry Wildgoose* a Freeman, and one of the Common-Council of the said City, being apprehensive that he should be chosen into the Office of Chamberlain of the said City, to avoid the same about two days before the Election for the said Office, did procure himself to be Matriculated, upon pretence that he was a Groom to one Doctor *Irish*, although the said *Henry Wildgoose* did, and yet doth continue the Trade of a Painter, within the said City; and hath no further relation to the said Dr. *Irish*, than to protect himself against the said City; and by colour of the said Matriculation, the said *Henry Wildgoose* being Elected Chamberlain of the said City, did and yet doth refuse to accept the said Office, and is protected in his Disobedience by the University, by which means other Citizens are encouraged to withdraw themselves from their Majesties Service in the said City.

It is to be noted that in 14 H.8. the said University by the means of Cardinal *Woolsey*, did obtain a Charter, which Granted unto them an Arbitrary Power in their Courts, and many things which were the undoubted Rights of the City, and was very injurious to the Priviledges of the Citizens; the University in 22 H.8. laboured to obtain a Confirmation of this Charter in Parliament but in vain; a Bill was brought in for that purpose, but rejected; and afterwards the said City having Exhibited a Bill in *Chancery* against the said University, and thereby complained that the said Charter was destructive of all their Rights and Priviledges; the said University answered, That although the King by means of the said Cardinal had Granted the said Charter, yet they had not, nor ever intended to put the same in Execution. Nevertheless the said University 13 *Eliz.* prevailed for a Confirmation of the said Charter by Parliament; in like manner the said University by the means of Doctor *Laud* then Archbishop of *Canterbury*, did obtain the said Charter 11 *Car. I.* and have suppressed the same ever since without attempting to get it Confirmed. But now upon pretence of securing themselves against the dangers of Popery and Arbitrary Government, have obtained leave to bring in a Bill for the Confirmation of their Charters; and have brought in a Bill for that purpose, and thereby it is Enacted that the

the said Charter 11 Car. I. shall be good, effectual and available in the Law to all intents and purposes as amply, &c. as if the same were recited *Verbatim* in the said Act; with a Proviso that the said Act shall not extend to the prejudice of the Priviledges and Liberties of Right belonging to the Mayor and Burgeses of the said City, (which is not the name of the said Corporation) but that they shall be free in such sort as they were before the making of the said Act. By which Charter and Bill (if it pass into a Law) all the Rights and Customary Priviledges of the said City will be vested in the said University, and the Citizens of Oxford (who are Members of a distinct Corporation) will become subject to the University; nor will the Proviso in the said Act be any security unto them, for many of the Priviledges of the said City will not be saved or affected by it; and the City of Oxford being Intruded unto the several Priviledges before specified (except Felons Goods, and the power of granting Wine-Licenses) by usage and prescription only, they can never hereafter have any benefit of that Proviso, or intitle themselves unto any thing comprized in that Charter, without proving the particular Usage and Custom at the time of making the said Act, which in a short time will be impossible for them to do, but the Proviso will serve only to engage the two Bodies in continual Disputes and Controversies.

The Citizens of Oxford do with as much zeal desire the Establishment of the said University, and their security against Popery, and Arbitrary power, as any of their own Members; but in regard nothing is granted by the said Charter 11 Car. I. which may conduce to those ends, but the same doth tend only to give them Dominion over the Citizens, and to invest them with the Liberties and Franchizes which of Right do belong unto the said City, the Citizens of Oxford, who in all circumstances have behaved themselves with as much courage, resolution and constancy in defence of the Church of England, as any of the said University, do Humbly hope that they may have the protection of the present Government, and that being Members of one of His Majesties Free Cities, they may partake in that common Liberty which he hath purchased for all the People of England.

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Oxford.